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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,361	07/03/2004	Kenneth A Glidden	384.8613USU	4360
7590	08/25/2009		EXAMINER	
Paul D. Greeley			LINDSEY, MATTHEW S	
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.				
One Landmark Square, 10th FLOOR			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/710,361	GLIDDEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MATTHEW S. LINDSEY	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 May 2009.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. Claim 1 is pending in this application. Claims 2-12 are cancelled as filed 27 May 2009. Claim 1 is amended as filed on 27 May 2009.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quine, in view of Collins et al. (US 2002/0013817), hereinafter Collins, “Setting up Catch All Email” (Setting up Catch All Email, October 5, 2002), and further in view of Sherwood (Finding Someone’s Email Address, 23 May 2001).**

4. With respect to Claim 1, Quine disclosed: “A computerized method for determining a desired recipient’s email address (Abstract, lines 1-3) comprising:”,  
“c. providing two or more first target recipient’s data items ([0071], lines 7-10);  
d. guessing a plurality ([0046], lines 1-11, where the address format compliance checker may provide several different outputs, specifically a suggested format for the email

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address, or specific changes may be suggested, or provide suggested alternative spellings) of first target recipient's candidate email addresses from the unique email server address and data items ([0071], lines 10-19)",

"g. monitoring a response of a target recipient email server for the unique server address to determine if a bounce to the sending of the probe email occurs ([0007], lines 15-21)", and

"i. sending an email to the first target recipient's first guessed email address ([0074], lines 8-9);

j. monitoring the response of the target recipient email server to determine if a bounce occurs ([0007], lines 15-21);

k. recording a valid email address if no bounce occurs ([0007], lines 15-21, which describes an unsuccessful attempt results in a bounce, a successful attempt will not result in a bounce);

m. repeating i, j, and l using the plurality of first targets recipient's guessed email addresses in succession until j occurs ([0007], lines 15-21, where the email address server is always monitoring for bounce messages) or there are no other first recipient's guessed email addresses;

n. guessing a plurality of second target recipient's candidate email addresses ([0048], lines 3-6, where the software and data may be resident on a user's personal computer, and invoked for any outgoing message. It is conceivable that an outgoing message may be addressed to multiple people, and thus the correction software would be implemented for a second target recipients email address);

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o. repeating i, j, k, l, and m and l using the plurality of second target recipient's guessed email addresses ([0048], lines 3-6, where the software and data may be resident on a user's personal computer, and invoked for any outgoing message. It is conceivable that an outgoing message may be addressed to multiple people, and the software will operate on each identified email address)".

Quine did not explicitly state: "a. choosing one or more target recipients; b. providing a unique email server address for each target recipient", "e. developing a known invalid email address at the unique email server address; f. sending a probe email addressed to the known invalid email address", "h. recording that the email address cannot be found if no bounce occurs", or "l. sending a second email to the target recipient's second guessed email address if a bounce occurs".

However, Collins disclosed: "a. choosing one or more target recipients (Abstract, lines 1-2); b. providing a unique email server address for each target recipient ([0003], lines 1-5, and Figure 6, where the recipient list shows HEllis@jzgtr.net and Bkessel@sixstring.com, clearly indicating separate email server addresses)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine with the teachings of Collins to include support for sending an email to multiple recipients having different email addresses. Motivation to combine these references comes from Collins where "Known

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e-mail programs permit a sender to transmit a message to multiple parties with only a single action” ([0008], lines 1-2). Therefore by combining the references, one can send a message to a plurality of parties with only a single action.

The combination of Quine and Collins does not explicitly state: “e. developing a known invalid email address at the unique email server address; f. sending a probe email addressed to the known invalid email address; h. recording that the email address cannot be found if no bounce occurs”, or “I. sending a second email to the target recipient’s second guessed email address if a bounce occurs”.

However, “Setting up Catch All Email” disclosed: “e. developing a known invalid email address at the unique email server address (pg 2, “Disabling your Catch All Feature”, lines 1-4, where a known invalid email address is developed using illegal syntax); f. sending a probe email addressed to the known invalid email address (pg 3, “So what actually happened here?”, lines 1-5, where the email intended for anything@yourdomain.com is sent to \*\*\*\*\*>>>@yourdomain.com, a known invalid address); It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine in view of Collins with the teachings of “Setting up Catch All Email” to include support for developing a known invalid email address and sending a probe email to the invalid address. Motivation to

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combine these references comes from Setting up Catch All Email where: “The catch all is excellent if you have a high frequency of people whom mistype your email address, as these addresses (even though mistyped), will simply be bounced to your catch all or default email account” (pg 1, lines 5-6). Therefore by combining the references one can ensure delivery of emails even if people frequently mistype an email address.

The combination of Quine, Collins and “Setting up Catch All Email” did not explicitly state: “h. recording that the email address cannot be found if no bounce occurs” or “I. sending a second email to the target recipient’s second guessed email address if a bounce occurs”.

However, Sherwood disclosed: “h. recording that the email address cannot be found if no bounce to the sending of the probe email occurs (pg 4, Guessing Strategies, lines 1-4, where the email is sent to the wrong person who may or may not answer, but no bounce occurs)” and “I. sending a second email to the target recipient’s second guessed email address if a bounce occurs (pg 5, lines 11-17, where after receiving a bounce message another guess is tried)”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the email delivery system of Quine, Collins and “Setting up Catch All Email” with Sherwood to include support for recording an email address cannot be found if no bounce occurs and sending a second email to a second guessed email address. Motivation to combine these comes from Sherwood, where: “For example, if

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Aunt Mabel works for (the imaginary) Floss Research Incorporated, try

mabel.garcia@flossresearch.com

This isn't likely to be her 'true' email address" (pg 5, lines 6-10). Sherwood indicates that the first guessed email is unlikely to be the recipient's true email. Therefore by combining the references one can test multiple guessed email addresses in the likely event that the first guessed email is incorrect.

### ***Response to Arguments***

5. Applicant's arguments filed 27 May 2009 have been fully considered but they are not persuasive.

6. Applicant argues: "Applicants wish for the Examiner to note that step (f) involves sending the probe email, and that the three above noted steps [f, g, h] are performed by the sender of the probe email" (pg 4, lines 1-2, cited text not included) and "Thus the 'catch all mail' feature is performed by a recipient of an email" (pg 4, last line - pg 5, line 1).

Examiner respectfully disagrees. The claim limitations of f, g and h read: "f. sending a probe email addressed to the known invalid email address; g. monitoring a response of a target recipient email server for the unique server address to determine if a bounce to the sending of the probe email occurs; h. recording that the email address cannot be found if no bounce occurs" (Claim 1, f, g and h). There is no limitation in the

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claim that states these steps are performed by the sender. Furthermore, as disclosed in Setting up Catch All Mail, a probe message is forwarded to a known invalid email address (pg 3, “So what actually happened here?”, lines 1-5), and therefore the forwarder of the message is the sender of that message. The probe message is sent by the recipient of the original message; however, that original recipient is now the sender of the probe message.

7. Applicant further argues: “The user of the ‘catch all mail’ feature will not receive any response to the forwarded email. Thus, the forwarded email is not a probe email” (pg 5, lines 4-6).

Examiner respectfully disagrees. As recited in the instant specification, the probe email may not receive any response: “The EAI system expects that a valid address will not generate a bounce, **but if a bounce is not received for the probe address...**” ([0043], lines 11-13). Thus, even if no response is received, the sent email can still be a probe email.

8. Applicant further argues: “Although this passage may be describing a situation in which no bounce occurs, it does not describe any particular conclusion can be drawn by the absence of a bounce” (pg 5, lines 13-14).

Examiner respectfully disagrees. If an email sent to a guessed address receives no response, it can be assumed that the correct email address cannot be found. A guessed email address that receives a bounce is an invalid email address, a guessed

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email address that receives a response from the correct person is a correct email address, a guessed email that receives a response from the wrong person is an incorrect email address, and a guessed email address that does not receive any response is an incorrect email address. The two reasons for a non response to a guessed email address are that the server with the email address does not bounce invalid attempts or the incorrect person received the email and did not respond. Therefore, a non response to a guessed email indicates to the guesser that the correct email address cannot be found.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is

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(571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL  
8/20/2009

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451